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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,244	01/08/2004	Peter J. Fellingham	86742WRZ	6721

7590 02/11/2008

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EXAMINER	
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ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
02/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/753,244	FELLINGHAM ET AL.	
	Examiner	Art Unit	
	Stephen Gravini	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-6,8,9,11-16 and 18-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-6,8,9,12-16,19-32 and 34* is/are rejected.

7)☐ Claim(s) *11, 18 and 33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-2, 4-6, 8-9, 12-16, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Gil et al. (US 2003/0081097). Current Office practice guides examination, such that claims are to be reasonably and broadly construed, in light of the accompanying specification. The claimed invention is construed to be anticipated by Gil as comprising:

a media support **220**;

a conductive path **215** connected to the media support; and

a heater **200** positioned spaced apart from the media support, the heater being connected to the media support through the conductive path via a stationary connection as shown in figure 4. Gil also discloses the claimed curved media support as shown in figure 2B, conductive path connected to the media support comprising a heat conductive extension connected at one end to the media support, the heater being connected to another location of the extension as shown in figure 4, extension connected to the a curved portion of the media support and conductive path connected to the media support comprising a heat conductive extension connected to the media support and the heater as shown in figure 2B, conductive path connected to the media support comprising a heat conductive extension connected at one end to the face of the media support, wherein a portion of the extension is positioned relative to the heater

such that the heater is supported by the extension as shown in figure 2A, conductive path connected to the media support comprises a heat conductive extension connected at one end to the media support, the heater being connected to another location of the extension at paragraph [0022], first and second surfaces of the media support are heat conductive at paragraph [0026], wherein the heat conductive path connected to the media support comprises a heat conductive extension connected at one end to another portion of the media support and connected at another end to the media support, the heater being connected to another location of the extension at paragraph [0030], wherein the other portion of the media support is a spacer **320** being a heat insulating component **224**, a platen **340,** heat conductive path connected to the media support comprising a heat conductive extension integrally formed at one end the media support, the heater being connected to another location of the extension as shown in figure 3, wherein the first surface of the media support is heat conductive at paragraph [0023], media support includes a first surface and a second surface, the first surface being contactable with media, the conductive path being connected to the second surface and heat conductive path connected to the media support comprises a heat conductive extension attached at one end to the media support, the heater being connected to another location of the extension as shown in figure 3.

Claims 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wotton et al. (US 6,390,618). Current Office practice guides examination, such that claims are to be reasonably and broadly construed, in light of the accompanying

specification. The claimed invention is construed to be anticipated by Wotton as comprising:

a media support having a curved surface as shown in figure 3;

a plurality of heaters 411 positioned spaced apart from the media support; and

a plurality of heater extensions 403, each of the plurality of heater extensions being connected to the media support via a stationary connection 405, 406, each of the plurality of heater extensions being attached to one of the plurality of heaters, wherein heat generated by the plurality of heaters is conducted to the curved surface of the media support through the plurality of heater extensions; or alternatively:

providing an extension affixed to a support via a stationary connection at column 4 lines 35-63; and

conducting heat from a source of heat through the extension to a surface of the support, the surface of the support being contactable with the article at column 4 lines 42-63.

Claims 22-25 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuba et al. (US 6,092,891). Current Office practice guides examination, such that claims are to be reasonably and broadly construed, in light of the accompanying specification. The claimed invention is construed to be anticipated by Okuba as comprising:

a media support 35 having a body portion including a surface contactable with a nonprinted side of a printed media;

a heat conductive extension 39 affixed to the body portion of the media support via a stationary connection; and

a heater 43 affixed to the extension at a location spaced apart from the media support. The invention is also construed to be anticipated by Okuba as disclosing the claimed heat conductive extension is attached to the body portion of the media support as shown in figure 3, heat conductive extension being integrally formed with the body portion of the media support at column 5 lines 7-41, wherein the body portion of the media support is curved as shown in figure 3, and heat conductive extension comprising a plurality of heat conductive extensions affixed to the body portion of the media support, and the heater comprising a plurality of heaters, each heater being affixed to one of the plurality of extensions at a location spaced apart from the media support spanning the width as shown in figure 10 and at column 5 lines 7-41.

Claim Rejections - 35 USC § 103

Claim 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gil. The claims are construed to be anticipated by Gil, as rejected above, except for the claimed ratio and metal material. It would have been an obvious matter of design choice to one skilled in the art to provide a specific ratio or material, since the prior art performs the invention as claimed regardless of a length to thickness ratio.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gil. The claims are construed to be anticipated by Gil, as rejected above, except for the claimed ratio or plural extensions. It would have been an obvious matter of design choice to one skilled in the art to provide a specific ratio or plural extensions, since the prior art

performs the invention as claimed regardless of a length to thickness ratio or number of extensions.

Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wotton. The claims are construed to be anticipated by Wotton, as rejected above, except for the claimed metal material. It would have been an obvious matter of design choice to one skilled in the art to provide a material, since the prior art performs the invention as claimed regardless of the type of material.

Allowable Subject Matter

Claims 11, 18, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicants' arguments filed December 17, 2007 have been fully considered but are not persuasive.

Gil anticipation

Applicant argues that Gil disclosed support 220 does not support media as claimed. In paragraph [0020] of that reference and when read with figure 2A, Gil discloses a plastic support portion 220. This disclosure meets the claimed media support because both the prior art teachings of Gil and the invention supports media, as claimed. Although applicant argued sheet metal portion 210, heated metal deflector 200, and heating resistor 215, might be used to support media, the claims are reasonably construed to be anticipated by Gil, as rejected above. Applicant also

argues that the claimed integrally formed feature and relative extension position should be construed to be allowable over Gil, but the claims are reasonably construed as being anticipated by that reference as rejected above.

Wotton anticipation

Applicant argues that the drive roller is not connected to the belt in order for Wotton to anticipate the invention as claimed. Both Wotton embodiments shown in figures 3 and 4 meet the claim limitations as rejected above. However to those skilled in the art the belt must be connected to the drive roller in order for the disclosed teachings to be enabling. Also to those skilled in the art, a roller defines a curved surface, such that the teachings of Wotton is believed to anticipate the invention as claimed. The disclosed drive rollers are stationary as argued, in that they are fixed to provide a stationary position in the teachings of Wotton. Since the belt is in contact with the drive rollers, the movement anticipates the invention as argued.

Applicant further argues that the claimed "conducting heat from a source of heat through the extension to a surface of the support, the surface of the support being contactable with the article" should be more narrowly construed that guided by current Office practice. The disclosed infrared heater is connected to the teachings of Wotton such that one skilled in the art would realize that the disclosed structure would provide conductive heating to the features of Wotton because the structure surrounding the infrared heater is also heated such that it provides conductive heating to its surroundings in order to all the claimed and argued conductive heating.

Okuba anticipation

Applicant argues that belt **39** and belt **35** should not be construed as being affixed, however since there exists a media between the belts such that a clearance would not exist, but for the media, the belts are affixed as claimed. The claimed and argued "affixed" is reasonably construed to be bodies in contact with one another, which is consistent with the specification. The disclosure of Okuba is believed to anticipate the invention as claimed. The same arguments for the heater "affixed" apply such that the anticipation is believed proper.

obviousness rejection

Applicant argues that each of the obviousness rejections should be withdrawn based on arguments with respect to the arguments presented on the anticipatory rejection. The anticipatory rejections are believed proper such that the obviousness rejections are proper

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on 571 272 6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG
January 17 2007 /Stephen Gravini/